

04-18-01

A

Practitioner's Docket No. 741135-000010

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SIFFERT, W. Group: Not yet assigned  
Application No.: Not yet assigned Examiner: Not yet assigned  
Filed: Herewith  
(Continuation of 09/180,783 - Filed: 17 March 1999)  
For: THE USE OF A GENETIC MODIFICATION IN THE GENE FOR  
HUMAN G PROTEIN  $\beta$ 3 SUBUNIT FOR THE DIAGNOSIS OF  
DISEASES

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565099793US in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231.

Date: 16 April 2001

Nicole M. Gignac

Preliminary Classification: 435

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. Section 601, 7th ed.

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

1. Type of Application

This new application is for a

(check one applicable item below)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

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**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

☒ The new application being transmitted claims the benefit of prior U.S. application(s).

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

  9   Pages of Specification  
  1   Page of Claims  
  1   Sheet of Drawing

*(complete the following, if applicable)*

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

☐ Formal  
☐ Informal

**B. Other Papers Enclosed**

  1   Pages of declaration and power of attorney (copy)  
  2   Pages of Abstract  
       Other:

**4. Additional Papers Enclosed**

☒ Amendment to claims

☒ Cancel in this application claims 2 - 12 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☒ Preliminary Amendment

☒ Information Disclosure Statement (37 C.F.R. Section 1.98)

☒ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit

☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid

- sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other: **Transfer of Sequence Listing**

**5. Declaration or Oath (including power of attorney)**

- ☒ Enclosed (copy from parent application)

Executed by

*(check all applicable boxes)*

- ☒ inventors.
- ☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.
- ☐ Not Enclosed.
- ☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).*

- ☐ Showing that the filing is authorized.  
*(not required unless called into question. 37 C.F.R. Section 1.41(d))*

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☐ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
- ☐ will be submitted.

**7. Language**

- ☒ English
- ☐ Non-English
- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

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## 8. Assignment

☐ An assignment of the invention to

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☐ will follow.

☐ was recorded in the parent application U.S.S.N. \_\_\_\_\_ on \_\_\_\_\_ at Reel \_\_\_\_\_ and Frame \_\_\_\_\_.

## 9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. no.	Filed
from which priority is claimed		
<input type="checkbox"/>	is (are) attached.	
<input type="checkbox"/>	will follow.	

## 10. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

Claims	Number Filed	CLAIMS AS FILED		Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$ 710.00
		Basic Fee Allowance	Number Extra		
Total Claims (37 C.F.R. Section 1.16(c))	19	20 - =	0 x	\$18.00	0
Independent Claims (37 C.F.R. Section 1.16(b))	3	- 3 =	0 x	\$80.00	0
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))			+	\$260.00	

☐ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$710.00

(New Application Transmittal—Page 4 of 8)

B. ☐ Design application  
(\$310.00--37 C.F.R. Section 1.16(f))  
Filing Fee Calculation \$ \_\_\_\_\_

C. ☐ Plant application  
(\$480.00--37 C.F.R. Section 1.16(g))  
Filing Fee Calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. Section 1.9 and 1.27 is (are) attached.

*(complete the following, if applicable)*

☒ Status as a small entity was claimed in prior application  
09/180,783, filed on March 17, 1999 from which benefit is being claimed for this application under:

35 U.S.C. Section ☐ 119(e),  
☒ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

☒ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$355.00

**12. Request for International-Type Search (37 C.F.R. Section 1.104(d))**

*(complete, if applicable)*

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)*

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☒ Enclosed

☒ Filing fee \$355.00

☐ Recording assignment  
(\$40.00; 37 C.F.R. Section 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.")

☐ Petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused to sign or cannot  
be reached  
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

☐ For processing an application with a  
specification in a non-English language  
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

☐ Processing and retention fee  
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

☐ Fee for international-type search report  
(\$40.00; 37 C.F.R. Section 1.21(e)) \$

Total Fees Enclosed \$355.00

**14. Method of Payment of Fees**

☐ Checks in the amount of \$\_\_\_\_\_

☒ Charge Account No. 50-0850 in the amount of \$355.00.  
A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this  
paper and during the entire pendency of this application to Account No. 50-0850.

(New Application Transmittal—Page 6 of 8)

- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

**16. Instructions as to Overpayment**

- ☒ Credit Account No. 50-0850.
- ☒ Refund

Date: 16 April 2001

Customer No.: 26770

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
(617) 345-6057

☒ **Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

- ☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

- ☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

(New Application Transmittal—Page 7 of 8)

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☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

☒ **Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

☒ This transmittal ends with this page.

**PATENT**

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# EXPRESS MAIL CERTIFICATE

I hereby state that the following *attached* papers and fees:

- are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

**Signature of person mailing paper or fee**